

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

BRYAN KERR DICKSON,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:16-CV-82
(GROH)**

**UNITED STATES OF AMERICA,
JEFF SESSION, LORETTA LYNN,
ERIC HOLDER, CHARLES E. SAMUELS,
JR., THE DESIGNATION CENTER AND
COMPUTATION CENTER, DSCC, C.
EICHENLAUB, MATTHEW W. MELLADY,
ZACHARY KETTON, TERRY O'BRIEN,
JOHN GILLEY, FEDERAL AGENT/CORRECTIONAL
OFFICE MCGREGG, FEDERAL AGENT/
CORRECTIONAL AGENT ALLISON, FEDERAL
AGENT/CORRECTIONAL AGENT BRADY,
FEDERAL AGENT/CORRECTIONAL AGENT JOE
DOE 1 1, M. WIENER, and LOTSPEICH,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R [ECF No. 121] on January 23, 2019. In his R&R, Magistrate Judge Trumble recommends that the Plaintiff's complaint be dismissed with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a *de novo* review of

the magistrate judge's findings where objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a plaintiff's right to appeal this Court's Order. 28.U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The R&R was mailed to the Plaintiff by certified mail on January 23, 2019. ECF No. 121. On February 4, 2019, the Plaintiff moved the Court for an extension of time to file objections. ECF No. 124. The Court granted the motion and gave the Plaintiff until March 1, 2019, to file objections. ECF No. 125. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 121] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**. The Defendants' Motion to Dismiss, or, in the Alternative, for Summary Judgment [ECF No. 101] is **GRANTED**. The Plaintiff's Second Motion for Summary Judgment [ECF No. 106], Motions for Default Judgment [ECF Nos. 107, 110] and Motion for Summary Judgment, or in the Alternative, Motion to Dismiss [ECF No. 112] are **DENIED**. Finally, the Plaintiff's Motion for Discovery [ECF No. 99] and motion styled as "Emergency Refund of Excessive Filing

Fees," [ECF No. 117] are **DENIED**.

This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to mail a copy of this Order to the Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: March 5, 2019



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE